

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CASE NO. 3:15-cv-00450-RJC-DSC

UNITED STATES OF AMERICA

v.

**Approximately \$96,512.18 in funds seized
from Bank of America Account
XXXXXXXXXX7324, such account held in the
name of Berkeley Hughes & Associates,
LLC;**

**Approximately \$6,986.68 in funds seized
from Bank of America Account
XXXXXXXXXX1232, such account held in the
name of Cedric D. Clark;**

**Approximately \$222,250.58 in funds seized
from State Employees' Credit Union
Account XXX5092, such account held in the
name of Haldren Clark, Cedric Clark, and
Donald Clark;**

**Approximately \$343.00 in funds seized from
State Employees' Credit Union Account
XXX8511, such account held in the name of
Haldren Clark, Cedric Clark, Donald
Clark;**

**One 2006 Sea Ray, 320 Sundancer boat,
Hull Number SERT7457I506; and**

**Approximately \$5,720 in United States
Currency seized from 6557 Derby Ln NW,
Concord, North Carolina.**

ORDER

THIS MATTER is before the Court on the United States of America's Motion, pursuant to Fed. R. Civ. P. 55(b)(2), requesting that the Court enter Default Judgment as to the assets identified herein in this case, (Doc. No. 28).

I. BACKGROUND

On September 29, 2015, the United States filed a Complaint (Doc. No. 1; “the Complaint”) against the majority of the defendant properties captioned above. The Complaint alleged that the properties constituted or were derived from proceeds of wire fraud in violation of 18 U.S.C. § 1343 and conspiracy to commit same in violation of 18 U.S.C. § 371, and properties involved in money laundering and monetary transactions in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and 1957, and were therefore subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C). On May 2, 2016, the United States filed an Amended Verified Complaint for Forfeiture *In Rem* (Doc. No. 16; “the Amended Complaint”), adding \$36,087.66 seized later in the investigation from Berkeley Hughes & Associates, LLC Bank of America Account XXXXXXXXX7324 as a defendant property. (Doc. No. 16).

From October 9, 2015 through November 7, 2015, the Government provided Notice by Publication of forfeiture of all of the assets in the Complaint.¹ (Doc. No. 8). Further, the Government mailed direct notice of forfeiture, (Doc. Nos. 11, 22), of all of the assets to the following individuals and entities:

- Cedric DeMon Clark;
- Donald Calvin Clark, Jr.;
- Haldren Clark;
- Berkeley Hughes & Associates, LLC;
- Card Processing Services, LLC;
- Capital Solutions Agency, LLC.

¹ The Government inadvertently failed to publish notice of the additional \$36,087.66 identified in the Amended Complaint but not identified in the original Complaint. Thus, the Government is now publishing notice of forfeiture of the \$36,087.66. Since notice by publication of forfeiture of the \$36,087.66 is not yet complete, default on that money is not appropriate at this time. The Government apparently will address this \$36,087.66 in a second motion for default filed at a later date.

Ultimately, only Haldren Clark, Cedric Clark, and Berkeley-Hughes & Associates filed Claims. (Doc. Nos. 5, 9, 10, 17). The Government settled with Haldren Clark via a Consent Order and Judgment. (Doc. No. 22). Further, Cedric Clark and Berkeley Hughes withdrew. (Doc. Nos. 24, 25) their Claim.

Therefore, the following properties remain for forfeiture, notice of forfeiture of the properties has been properly published and directly provided, there are no claims remaining as to the properties, and the time for filing claims has expired:

- Approximately \$60,424.52 in funds seized from Bank of America Account XXXXXXXX7324, such account held in the name of Berkeley Hughes & Associates, LLC;
- Approximately \$6,986.68 in funds seized from Bank of America Account XXXXXXXX1232, such account held in the name of Cedric D. Clark;
- Approximately \$222,250.58² in funds seized from State Employees' Credit Union Account XXX5092, such account held in the name of an individual identified herein as HC, Cedric Clark, and an individual identified herein as DC;
- Approximately \$343.00 in funds seized from State Employees' Credit Union Account XXX8511, such account held in the name of an individual identified herein as HC, Cedric Clark, and an individual identified herein as DC;
- One 2006 Sea Ray, 320 Sundancer boat, Hull Number SERT7457I506; and
- Approximately \$5,720 in United States Currency seized from 6557 Derby Ln NW, Concord, North Carolina.

Further, the Clerk has issued an Entry of Default, (Doc. No. 27), as to these properties.

Accordingly, default judgment as to these assets is appropriate.

II. DISCUSSION

Other than Haldren Clark, whose Claim has been adjudicated, and Cedric Clark and Berkeley Hughes, who withdrew their Claim, no other person or entity has filed a claim or answer

² As outlined in the Consent Order and Judgment for Claim of Haldren Clark (Doc. 22), the Government and Haldren Clark reached a settlement wherein \$60,207.53 of the \$282,461.11 in funds seized from SECU Account 5092 and \$2,519.35 of the \$2,862.35 in funds seized from SECU Account 8511 were returned to claimant Haldren Clark.

for the properties within the time required by the Complaint, direct or public notice, or the Supplemental Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions. Further, the Clerk has entered default. Under such circumstances, Rule 55(b)(2) provides for Default Judgment by the Court.

III. CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. The government's motion for default judgment of forfeiture is hereby **GRANTED**.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby **FORFEITED to the United States**; and no other right, title, or interest shall exist therein:
 - Approximately \$60,424.52 in funds seized from Bank of America Account XXXXXXXX7324, such account held in the name of Berkeley Hughes & Associates, LLC;
 - Approximately \$6,986.68 in funds seized from Bank of America Account XXXXXXXX1232, such account held in the name of Cedric D. Clark;
 - Approximately \$222,250.58 in funds seized from State Employees' Credit Union Account XXX5092, such account held in the name of an individual identified herein as HC, Cedric Clark, and an individual identified herein as DC;
 - Approximately \$343.00 in funds seized from State Employees' Credit Union Account XXX8511, such account held in the name of an individual identified herein as HC, Cedric Clark, and an individual identified herein as DC;
 - One 2006 Sea Ray, 320 Sundancer boat, Hull Number SERT7457I506; and
 - Approximately \$5,720 in United States Currency seized from 6557 Derby Ln NW, Concord, North Carolina.
3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

Signed: January 5, 2018



Robert J. Conrad, Jr.
United States District Judge

